

Citation from Chapter 173-303-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply)
				Final recommended penalty
-170 referencing —WAC 173-303-070 (1)(b)	<p>WRAP - Failure to accurately designate WRAP drums, and as a result a worker was injured. A corrosive code (D002) and major risks were not included in the designation and labeling. And only applied only after the spill occurred.</p> <p>Seventeen drums associated with the RLM325D mixed waste stream required new labels and waste code changes with a physical change to liquid/solid. Waste was designated as debris but included an unspecified liquid. Designation had to be updated after spill occurred. No analysis (direct testing) was performed. Waste designates as corrosive dangerous waste.</p> <p>CHPRC implemented a root cause analysis process. This is an industry-accepted evaluation process that is designed to identify the causal factors, human or technical, that caused the incident. The root cause analysis for this incident focused on decisions made by personnel to enter contaminated areas, rather than the actual causal factors that centered on failure to correctly identify the hazards of a waste prior to storage, and conducting maintenance of the roof of the building to avoid spills being mistaken for rainwater.</p>	<ul style="list-style-type: none">• CHPRC Timeline for Drum 0062288 5/20/11• Drum incompatibility evaluation of 5/24/11• Solid Waste Information and Tracking System (SWITS) Report• WRAP Root Cause Analysis Report• WRAP CHPRC SPA for Acidic Debris• WRAP DNFSB Weekly Reports• Additional Supporting Docs on SharePoint• Email WRP Regulatory Concerns August 2011• NEIC Notes	Major \$6,000 up to \$10,000	<p>Starting Penalty: \$8,000 per drum, 17 drums total= \$136,000</p> <p>Discretionary Factor Analysis per Compliance Assurance Policy 3-1:</p> <p>Small business consideration – this is a federal facility, so this factor will be left out of the rest of this table</p> <p>Degree of deviation: The harm that resulted from mis-designation is significant, and it is a repeat violation as well – raise the penalty by \$1,000 per drum.</p> <p>Historical background: Designation has been a long-standing problem at the Hanford Facility. This violation was cited in Administrative order 1671. Adjust upwards \$1,000</p> <p>Demonstration of good faith: The root cause analysis completely misses the root cause – failure to properly designate - raise the penalty by \$1.000 per drum.</p> <p>\$10,000 per container per incident is the statutory limit, and therefore the penalty calculation will be applied at \$10,000 per drum for 17 drums = \$170,000</p> <p>Total Recommended Penalty = \$170,000</p>

Note: Criteria from Enforcement Policy 3-1 Guidelines:
Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty \$8,000

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-145(2)	CWC - Failure to immediately and properly notify Ecology of a dangerous waste or hazardous substance release from 231-Z box – rad surveys detected released waste outside of CA area on December 20, 2011.	<p><u>WRAP – Failure to immediately and properly notify Ecology of a dangerous waste release – Ecology staff learned of the release by reviewing an occurrence report.</u></p> <ul style="list-style-type: none"> • CWC Inspection Report 2012 • Kathy Conaway phone records for CWC spill • CWC Ecology site visit February 24, 2012 notes from JB • CWC - DFNSB Weekly Reports • Additional Supporting Docs on SharePoint • <u>Oct. 2, 2012 WRAP inspection report</u> 	Major \$6,000 Up to \$10,000	<p>Starting Penalty: For CWC from December 20, 2011 50 days total. \$8,000 per day for 50 days = \$400,000</p> <p><u>For WRAP: \$8,000 for single occurrence.</u></p> <p>Discretionary Factors Analysis:</p> <p>Degree of deviation: Failing to properly notify Ecology is a repeat violation and has been the cause of past penalties to the facility. For CWC - this is a significant deviation from Ecology's compliance requirements – adjust upward \$1,000 per day. <u>For WRAP Adjust upward \$1000.</u></p> <p>Historical background: This specific regulation has no enforcement history (2000 to present).</p> <p>Demonstration of Good Faith: CWC – USDOE and CHPRC continue to deny that a radiological release from a mixed waste box is a cause for dangerous waste regulations. (The presence of alpha contamination indicates the presence of particles, a presence of a release of mixed waste.) In addition, the response to Ecology's concerns about the box was to withhold important information during the investigation, and to delay access to key witnesses for interviews by Ecology inspectors. Adjust upward \$1,000 per day. <u>For WRAP the failure to notify kept Ecology from participating in decisions that could have been improved by our involvement. Adjust upwards \$1,000.</u></p> <p>\$10,000 per day for 50 days <u>plus \$10,000</u> = \$510,000</p>

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					Total Recommended Penalty = \$-\$510,000
-145(3)	<p>CWC – Failure to stop a release in a timely manner.</p> <p>There was a three day delay in deploying spill containment after visible evidence of liquids were observed because the SWOC facilities manager, as the emergency spill coordinator, did not have the authority to go to an emergency supply and procure spill pans and had to wait three days for on-site workers to fabricate them.</p>	<ul style="list-style-type: none">CWC Inspection Report 2012	Major \$6,000 up to \$10,000	<p>Starting Penalty: \$8,000 per incident for three days = \$24,000</p> <p>Discretionary Factor Analysis</p> <p>Degree of Deviation: History of non-compliance and the repeat nature from prior enforcements warrants an increase of \$1,000.</p> <p>Historical Background – This problem has been cited before, and penalties have been issued. Prior penalties include failure to provide notice under CERCLA notification obligations under the Trip-Party Agreement. Adjust upwards 1,000 per incident per day.</p> <p>Demonstration of good faith: A TSD is required to identify an emergency coordinator or coordinators that have the authority to commit the resources needed to carry out the contingency plan (-360)(1). The SWOC facilities manager was not authorized to procure necessary spill response equipment, and had to wait until on-site personnel could manufacture the spill pans causing the three day delay. Withholding this necessary authority from the person in charge is not operating in good faith and with adequate preparation. Adjust upward by \$1,000 per incident.</p> <p>\$10,000 per container per incident is the statutory limit, and therefore the penalty calculation will be applied at \$10,000 per incident per day = \$30,000</p>	

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<u>40 CFR 265.51(b) referenced by 400(3)</u>	<u>WRAP – Failure to implement the contingency plan for a release (evacuation).</u> <u>Personnel were instructed to move to the door of the building, and to cease work, an evacuation.</u>	<u>• Oct. 2, 2012 WRAP inspection report</u>	<u>Major \$6,000 up to \$10,000</u>	<p><u>Starting penalty for incident - \$8,000</u></p> <p><u>Discretionary Factor Analysis</u></p> <p><u>****KC and JB verify the info below****</u></p> <p><u>Degree of Deviation: History of non-compliance and the repeat nature from prior enforcements warrants an increase of \$1,000.</u></p> <p><u>Historical Background – Acting conservatively to implement notifications and the contingency plan has been discussed with prior Ecology inspectors after doing major revisions of the contingency plan system– USDOE was supposed to be erring on the side of caution.</u></p> <p><u>Demonstration of good faith: While USDOE now believe, after receiving a root cause analysis, that they should have acted more assertively, it took them months to come to this conclusion. Adjust upward by \$1,000 per incident.</u></p> <p><u>\$10,000 per incident - \$10,000</u></p>
<u>-300(1) and (2) by reference</u>	CWC – Failure to confirm knowledge of dangerous waste in box 231-Z.	WRAP –failure to confirm correctly (performing radiography and visual	• CWC Inspection Report 2012	<p>Major \$6,000 up to</p> <p>Starting Penalty: \$8,000 per container for fifteen dr</p> <p>\$128,000</p>

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in - <u>400(3)(a)(i)</u>	<p>USDOE provided a waste acceptance procedure document numbered “HNF-EP-0063, Rev. 16” when Ecology requested the waste analysis plan for CWC. This document is a procedure that contains a few elements of a waste analysis plan, but does not contain comprehensive processes for confirming knowledge of a waste.</p> <p>The procedure claims an exemption from physical/chemical characterization requirements on the basis of meeting the hazardous debris definition (page 2-3).</p> <p>The incorrect application of the hazardous debris definition is CHPRC’s basis for not conducting</p>	<p>examination) the contents of the leaking drum that the AK document designated as solid hazardous debris with no free liquids. However, it contained liquid sludge, a plutonium nitric acid solution.</p>	<ul style="list-style-type: none"> • Data Packages from 231-Z release liquids • AK Package for 231-Z box • SWITS Reports for 231-Z • WRAP – Oct 2, 2012 <u>WRAP Inspection Report</u> • PermaFix NW Inspection Report 2012 • WRAP - CHPRC SPA for Acidic Debris • Additional Supporting Docs on SharePoint • WRAP Drum Spill <u>Inspection Report 2012</u> • SWITS Report - WRAP drum • WRAP - DFNSB Weekly 	\$10,000	<p>Discretionary Factor Analysis</p> <p>Degree of deviation: CWC - Actual release into the environment from the CWC 231-Z box is a significant deviation. The WRAP drum, and fifteen additional drums from the same source and the same trench, were mis-identified as hazardous debris and contained acidic sludge. One of the fifteen breached its container and as a result of being misidentified, caused harm to a worker. Adjust upward \$1,000 per container.</p> <p>Historical background: This regulation was cited as a violation in administrative order 1671. Adjust upwards \$1,000.</p> <p>Demonstration of good faith: Non-conformance incidents at PermaFix, an off-site TSD receiving waste from retrieval trenches during the summer of 2011, indicate that USDOE and CHPRC had knowledge that their waste identification process was not working. CWC - This box is from the retrieval trenches and is one of a number of containers that are called into question for characterization – there has been no movement toward improving their waste profiling system despite knowing there are problems. For the WRAP incident; only after a series of missed opportunities to correct the wrong identification did USDOE and CHPRC correct the designation of these drums – and even after treatment of the leaking drum they failed to run laboratory analyses to re-characterize the waste. Adjust upwards \$1,000 per per drum.</p> <p>\$10,000 per container per incident is the statutory limit, and therefore the penalty calculation will be applied at \$10,000 per container for sixteen containers = \$160,000</p>
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	confirmation analyses.		Reports <ul style="list-style-type: none"> • WRAP -Occurrence Report • WRAP - Kathy Conaway Phone and Email docs • Additional Supporting Docs on SharePoint 		Total Recommended Penalty = \$160,000
-320(1) and (2)(+)	CWC – General Inspection; Dangerous Waste inspections failed to detect releases, and are not occurring often enough for containers of unknowns outside of containment. “Areas subject to spills must be inspected daily when in use.”	<u>WRAP – General inspections – Allowing roof leaks to continue without assertive and timely action to repair was instrumental in allowing inspectors to believe any liquid on the floor was likely to be rainwater and did not have to be approached with caution.</u>	<ul style="list-style-type: none"> • CWC Inspection Report 2012 • <u>Oct. 2, 2012 inspection report.</u> 	Major \$6,000 up to \$10,000	Starting Penalty <u>for two incidents</u> : \$8,000 each Discretionary Factor Analysis Degree of deviation: The failure of the inspection program resulted in impacts to the environment <u>at CWC, and exposure of a worker at WRAP.</u> a significant deviation. Adjust upward \$1,000- <u>each incident.</u> Historical background: This regulation has not been cited in recent enforcement history, (2000 to present). Demonstration of good faith: The management of boxes on gravel, and various covers placed on the boxes because of the outdoor exposure, make it impossible for inspections to detect releases or check box integrity. <u>Failure to act quickly to repair the roof at the WRAP facility indicates a serious lack of attention to on-going care and maintenance of storage structures.</u> Adjust upward \$1,000.

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					Total Recommended Penalty = \$210,000
<u>-320(2)(c)</u>	<u>WRAP – Frequency of inspections must be based on potential risk – areas subject to spills must be inspected daily when in use.</u>	<ul style="list-style-type: none"><u>Oct. 2, 2012 WRAP Inspection report</u>	<u>Major \$6,000 up to \$10,000</u>	<u>Starting Penalty: \$8,000</u> <u>Discretionary Factor Analysis</u> <u>Degree of deviation: The failure of the inspection program resulted in impacts to the environment, a significant deviation. Adjust upward \$1,000.</u> <u>Historical background: This regulation has not been cited in recent enforcement history, (2000 to present).</u> <u>Demonstration of good faith: Failure to repair roof leaks so that inspectors could recognize puddles as potential spills. Adjust upward \$1,000.</u> <u>Total Recommended Penalty = \$10,000</u>	
-320(3)	CWC –General Inspection; responding to problems. Problems must be remedied on a schedule which prevents hazards to the public health and environment, and where a hazard is imminent or has already occurred, remedial action must be taken immediately. The operator failed to act	<u>WRAP – Failure to act to remedy roof leaks contributed to workers mistaking the drum leak for a routine puddle of rainwater.</u> <ul style="list-style-type: none"><u>CWC Inspection Report 2012</u><u>Oct. 2, 2012 WRAP inspection report</u>	Major \$6,000 up to \$10,000	Starting Penalty: \$8,000 per day for three days = \$24,000 Discretionary Factor Analysis Degree of deviation: The failure to act immediately to remedy the problem by containing the spill and deploying containment is significant. Adjust upwards \$1,000. Historical background: This regulation has not been cited in recent enforcement history (2000 to present). Demonstration of good faith: This incident calls into question whether they have	

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	immediately to remedy the problem by deploying containment promptly – the stated reasons were the operator says containment trays took three days to construct, and is not authorized to go buy trays at a supply store in an emergency.				adequate capability under the DW Contingency Plan to respond to emergencies. Adjust upwards \$1,000 \$10,000 per day for three days= \$30,000 Total Recommended Penalty = \$30,000
-340(1)	<p>CWC: Preparedness and prevention – required equipment. Failure to provide, or maintain spill control equipment in dangerous waste storage areas for immediate response to spills and/or releases at the expansion area.</p> <p>The operator did not have immediately available portable containment or temporary drip pans to deploy when the leak was discovered from the 231-Z box on February 6. The facility manager stated that he did not have the authority or the ability to expend funds to purchase response materials and it took three days to finally construct and deploy the required spill pans to stop the leak from entering the environment.</p>	CWC Inspection Report 2012	Major \$6,000 up to \$10,000	Starting Penalty: \$8,000 Discretionary Factor Analysis Degree of deviation: The failure to have the correct and appropriate spill response equipment demonstrates a lack of preparedness. The result was a three day delay to obtain the spill control equipment. Adjust upwards \$1,000. Historical background: This regulation has not been cited in recent enforcement history (2000 to present). Demonstration of good faith: This incident calls into question whether they have adequate capability under the DW Contingency Plan to respond to emergencies. Adjust upwards \$1,000 Total Recommended Penalty = \$10,000	

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Permit Condition II.A.1	<p><i>The Permittees will immediately carry out applicable provisions of the Hanford Emergency Management Plan as provided in Permit Attachment 4, pursuant to WAC 173 303 360(2), whenever there is an incident meeting the criteria of Permit Attachment 4, Section 4.2. Enforceable portions of Permit Attachment 4, Hanford Emergency Management Plan (DOE/RL-94-02) are identified in Permit Attachment 4, Appendix A.</i></p> <p>WRAP: Failure to implement the Contingency Plan per Permit Condition II.A.1.</p> <p>A worker found a leaking drum, and was exposed by contacting the leaked mixed waste. There was a release of nitric acid in the 2404-WM bldg.</p>	<ul style="list-style-type: none">• Wrap Drum Spill Inspection Report 2012• CHPRC Root Cause Analysis Report• CHPRC SPA for Acidic Debris	Major \$6,000 up to \$10,000	<p>Starting Penalty: \$8,000</p> <p>Discretionary Factor Analysis</p> <p>Degree of deviation: Had the contingency plan been implemented Ecology would have received official notice of the incident. Injury of a worker from a hazardous material is a clear trigger for plan implementation and notification. Adjust upward \$1,000.</p> <p>Historical background: This regulation has not been cited in recent enforcement history (2000 to present).</p> <p>Demonstration of good faith: The root cause analysis misses the root cause, the failure to correctly identify a dangerous waste. Adjust upward \$1,000.</p> <p>Total Recommended Penalty = \$10,000</p>
	<p>WRAP: Failure to implement the Contingency Plan.</p> <p>Facility incorrectly made the determination. Personnel were evacuated from the 2404WB Building. Workers were exposed during the release. DOE allowed limited access to the building.</p> <p>Potential beryllium health hazards at the time of the release.</p>	<ul style="list-style-type: none">• Wrap Drum Spill Inspection Report 2012• Occurrence Report on worker exposure who found the spill.• Building Emergency Plan for WRAP Rev. 14 Section 4.0 Implementation of the Plan. Section defines	Major \$6,000 up to \$10,000	<p>Starting Penalty: \$8,000</p> <p>Discretionary Factor Analysis</p> <p>Degree of deviation: The failure to implement the contingency plan put workers at risk. Adjust upwards \$1,000.</p> <p>Historical background: This regulation has not been cited in recent enforcement history (2000 to present).</p> <p>Demonstration of good faith: The root cause analysis did not correctly identify the</p>

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		<p>when to implement the plan. Pub, #97-1165-CP (Rev. 2-02)</p> <ul style="list-style-type: none">CHPRC’s <u>WRAP Root Cause Analysis Report</u>		<p>failure to implement the contingency plan, and did not correctly identify the root cause, failure to properly identify a waste. Adjust upwards \$1,000.</p> <p>Total Recommended Penalty = \$10,000</p>
-380(3)(a)	<p>CWC: Failure to produce items in the operating records requested during and after the inspection in a timely manner.</p> <p>Detailed information about the box release, field notes from sampling, and radiation surveys requested and either denied at first, or not provided as requested until management at the program manager level were involved. The delay in obtaining the operating records was significant.</p>	<ul style="list-style-type: none">CWC Inspection Report 2012Rad surveys submitted after repeated requests and denialSample/Lab data requested twice.Field notes from initial sampling.	Minor \$0 up to 3,000	<p>Starting Penalty: \$3,000 per failure to produce operating records four times = \$12,000</p> <p>Discretionary Factor Analysis</p> <p>Degree of deviation: Failure to provide records about a release to the environment so that Ecology could evaluate the threat and the degree of hazard is a serious deviation. Paperwork violations are generally given penalty at the lower end of the range. However, the failure to provide the surveys delayed the inspection significantly. Adjust upwards \$1,000 per incident.</p> <p>Historical background: Failure to keep, maintain, or produce records has been cited in prior enforcement actions, specifically administrative order 1671. Adjust upward \$1,000 per incident.</p> <p>Demonstration of good faith: Ecology staff had to involve management within Ecology and USDOE at the program manager level in order to get the required records. Adjust upwards \$1,000 per incident.</p> <p>\$6,000 per failure to produce records four times = \$24,000</p>

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-630(2)	CWC: Failure to maintain containers in good condition. If a container holding dangerous waste is not in good condition (e.g., severe rusting, apparent structural defects) or it begins to leak, the owner or operator must transfer the dangerous waste from the container to one that is in good condition or otherwise manage the waste in compliance.	<ul style="list-style-type: none">CWC Inspection Report 2012	Major \$6,000 to \$10,000	Starting Penalty: \$8,000 Discretionary Factor Analysis Degree of deviation: The failure to provide to maintain containers in good condition is a significant deviation from the regulations. Adjust upwards \$1,000.

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	The 231-Z box has been outside of containment and without cover since 2009 when it arrived at CWC. The box shows signs of severe rust on metal fittings, and deterioration. The box is not properly stored for the container type. The container has deteriorated to the point of leaking, impacting the environment.				Historical background: This regulation has not been cited within recent enforcement history (2000 to present). Demonstration of good faith: There is no clear evidence of the operator’s intent regarding the care and maintenance of this container since 2009 – No adjustment of the penalty up or down recommended for this factor. Total Recommended Penalty = \$9,000
-630(3) Identification of Containers	CWC: Failure to adequately label containers with the major risk, and/or to maintain identification of containers; The owner or operator must ensure that labels are not obscured, removed, or otherwise unreadable in the course of inspection required under WAC 173-303-320. Box 231-Z-DR-11 was not labeled properly so that a dangerous waste inspector conducting the weekly inspection could see the label at one end or another	WRAP: Facility failed to adequately label containers on the leaking drum and the 17 drums associated with the RLM325D mixed waste stream. DW labels with D002, corrosive, acid, solid/liquid were placed on the containers only after the release.	<ul style="list-style-type: none">CWC Inspection Report 2012Letter 12-EMD-0061, 4/19/12 from USDOE to Ed Kowalski) DW labels were placed on the box after the leaking incident began. (See photos before and after.)Wrap Drum Spill Inspection Report 2012	Major \$6,000 to \$10,000	Starting Penalty: \$8,000 per container for 15 WRAP drums and the CWC box - 16 containers total = \$128,000 Discretionary Factors Analysis Degree of Deviation: For the CWC, CHPRC staff admitted that they only check for correct labeling of containers perhaps once per year, and then only for a sampling of containers because the task is “time consuming.” Inspectors therefore do not know when they look at a container whether it is has the correct label on it. For WRAP, the failure to adequately characterize and verify a waste directly contributed to the false labeling. Opportunities were missed to correctly label, and CHPRC failed to act. Adjust upward \$1,000 per container. Historical background: This regulation was cited as recently as 2008 as a violation. Adjust upwards \$1,000 Demonstration of good faith: For both CWC and WRAP, the job of container management is central to the function of the facilities, yet it is not seen as a priority

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	without stepping in between the boxes, made impossible for this box due to the posted CA boundary.				as part of safe operations. This shows a serious lack of good faith in the central task waste management. Adjust upward \$1,000 per container. \$10,000 per container per incident is the statutory limit, and therefore the penalty calculation will be applied at \$10,000 per container for 16 containers total = \$160,000 Total Recommended Penalty = \$160,000
-630(4)	<p>WRAP: Compatibility of waste with containers. The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the dangerous waste to be stored, so that the ability of the container to contain the waste is not impaired.</p> <p>The 5 containers for this penalty calculation include the one debris drum that has been repackaged and four daughter drums from two previously repackaged HEDL drums (one of the daughters was the drum that leaked at WRAP). The three non-leaker daughter drums were repackaged the same way as the leaker daughter drum. Drum #s 0031161, 0062288, 0061308, 0062289, 0081216</p>	<ul style="list-style-type: none">• Wrap Drum Spill Inspection Report 2012• CHPRC SPA for Acidic Debris	Major \$6,000 to \$10,000	<p>Starting Penalty: \$8,000 per container for five containers = \$40,000</p> <p>Discretionary Factors Analysis</p> <p>Degree of Deviation: Proper container selection is a central requirement for making sure waste is properly managed for storage. Placing a corrosive waste back into a metal container without complete knowledge of all the characteristics of the waste is negligence. There were several missed opportunities to repackage the corrosive waste into a container that was made from compatible materials. Adjust upwards \$1,000 per container.</p> <p>Historical background: This regulation has not been cited within recent enforcement history (2000 to present).</p> <p>Demonstration of good faith: The root cause analysis fails to identify the key issue of proper waste identification, and therefore the risk that would make it possible to select the proper container type. Adjust upward \$1,000 per container.</p>	

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				\$10,000 per day per container for five containers = \$50,000
				Total Recommended Penalty = \$50,000
-630(5)(b)	<p>CWC: A container holding dangerous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.</p> <p>Box 231-Z-DR-11 is stored in the open subject to extreme weather conditions and without cover or containment. The box has deteriorated to the point of leaking to the environment.</p> <p>The CWC does not have adequate dangerous waste operational procedures in place that guide actions when a container lacks integrity, other than radiological procedures based on testing by technicians.</p>	<ul style="list-style-type: none">CWC Inspection ReportProcedure number “HNF-EP-0063, Rev. 16” submitted to Ecology upon request as the CWC waste analysis plan and waste acceptance procedure – this document lacks any directives on assessing container integrity, or guidance on what to do when a container is deteriorating.	Major \$6,000 to \$10,000	<p>Starting Penalty: \$8,000</p> <p>Discretionary Factor Analysis</p> <p>Degree of deviation: Significant deviation from acceptable storage standards. Adjust upward \$1,000.</p> <p>Historical background: This regulation has not been cited within recent enforcement history (2000 to present).</p> <p>Demonstration of good faith: CHPRC proceeded with storing outside without containment by misidentifying waste as solid hazardous debris.</p> <p>Total Recommended Penalty = \$10,000</p>
-630(7)(a)	<p><i>Proper Operation and Maintenance</i></p> <p><i>The Permittees will at all times properly operate and maintain all facilities and systems of treatment and control, which are installed or used by the Permittees, to achieve compliance with the Conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and</i></p>	<ul style="list-style-type: none">CHPRC Root Cause Analysis Report dated May 9 through June 3, 2011 “Discovery of the Leaking Drum” section.Correspondence between	Moderate \$3,000 to \$6,000	<p>Starting Penalty: \$6,000</p> <p>Discretionary Factor Analysis</p> <p>Degree of deviation: Failure to conduct routine maintenance of a containment structure in a timely manner contributed to the assumption of workers that puddles on the floor were from rainwater. Adjust upwards \$1,000.</p>

Note: Criteria from Enforcement Policy 3-1 Guidelines:
Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty \$8,000

Citation from Chapter 173-303-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply)	Final recommended penalty
	<p><i>adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of backup or auxiliary facilities, or similar systems only when necessary to achieve compliance with the Conditions of the Permit.</i></p> <p>WRAP: Failure to respond timely and correct deterioration of the 2404 WB building’s leaking roof structure. Root Cause Analysis Report stated that the roof was leaking at the time of the drum leak 2-26-2011. USDOE stated in a response to Ecology on roof leaks that puddles of water were found 4-26-2012 in 2404WB.</p> <p>2404-WB maintains this is a covered storage area, therefore the cover cannot leak.</p>	<p>DOE and Ecology</p> <ul style="list-style-type: none">Kathy Conaway Email Request Info about Roof LeakDOE Response to Roof Leak		<p>Historical background: This regulation has not been cited within recent enforcement history (2000 to present).</p> <p>Demonstration of good faith: The roof has only just been prepared after the onset of this incident, over a year’s time. Failure to promptly conduct necessary repairs shows a lack of care for the waste storage structures. Adjust upwards \$1,000.</p> <p>Total Recommended Penalty = \$8,000</p> <p>Note: This is reasonable given that Ecology could apply a per day penalty for this one violation for over a year’s time.</p>	
-630(6)	<p>WRAP: Failure to perform weekly inspections of containers in the 2404-WB building, Four weekly inspections were missed and recorded in the inspection log.</p>	<ul style="list-style-type: none">3/13/11 letter from USDOE to Ecology notifying of their inability to perform weekly DW inspections of containers in the 2404-WB building per -320.6/8/11 letter from USDOE to Ecology notifying us that their DW inspections	<p>Moderate \$3,000 to \$6,000</p>	<p>Starting Penalty: \$6,000 per week for 11 weeks = \$66,000</p> <p>Discretionary Factor Analysis</p> <p>Degree of deviation: Failure to conduct inspections is a significant deviation from normal operations. Adjust upwards \$1,000 per week.</p> <p>Historical background: Historical background: This regulation has not been cited within recent enforcement history (2000 to present).</p> <p>Demonstration of good faith: Ecology was notified that the inspections could not</p>	

Note: Criteria from Enforcement Policy 3-1 Guidelines:
Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty \$8,000

Citation from Chapter 173-303-WAC	Description of Violation	Evidence/Documentation	Penalty Range	Starting Penalty with Discretionary Factors and Calculations (Degree of deviation, history, good faith attempts to comply)	Final recommended penalty
		of containers stored in the 2404-WB at WRAP had resumed May 24, 2011.		be done because of contamination. Adjust downwards \$1,000 per week. Total Recommended Penalty = \$66,000	
-830 (4)(b) and Appendix WAC 173-303-810(14)	CWC: Failure to submit a complete permit modification request prior to expansion.	<ul style="list-style-type: none">CWC Inspection Report 20122008 Part A Revision permit modification documents (submitted by CHPRC to change operator name demonstrates they knew a modification was the proper way to make changes to the facility)	Minor \$0 - \$3,000	Starting Penalty: \$3,000 Discretionary Factor Analysis: Degree of deviation: Expansion by adding a new unit without prior approval is a substantial deviation from the requirements for changes to a TSD facility under permit. Adjust upwards \$1,000. Demonstration of good faith: The fact that the operator knew a permit modification was required when there was an operator change indicates CHPRC knew changes under the permit require a permit modification. Adjust upwards \$1,000. Total Recommended Penalty = \$5,000	
Range of penalty from low to high - \$123,000 to \$3,477,000 Low calculated with low end of penalty for each violation, once, per facility. Highest possible penalty calculated with the high end of the penalty range for each violation, per incident or container, per day.				Total Recommended Penalty for 17 violations:	\$1,274,000

Note: Criteria from Enforcement Policy 3-1 Guidelines:
Minor range \$0 to \$3,000; starting penalty = \$3,000/Moderate range \$3,000 to \$6,000; starting penalty = \$6,000/Major range \$6,000 to \$10,000; starting penalty \$8,000